

Senate Bill No. 112

Passed the Senate May 22, 2003

Secretary of the Senate

Passed the Assembly August 28, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

LEGISLATIVE COUNSEL'S DIGEST

SB 112, Speier. California Organ and Tissue Donor Registry.

Existing law establishes the Organ and Tissue Donor Registry in the California Health and Human Services Agency. Existing law also establishes the Organ and Tissue Donor Registry Fund, to receive voluntary contributions to support the registry and its activities. Under existing law, implementation of provisions relating to the registry and the fund are contingent upon a determination by the Director of Finance that sufficient moneys are available for these purposes.

Existing federal law authorizes the establishment of state organ procurement organizations (OPOs), which may receive specified federal funding, to undertake various activities in connection with organ donation.

This bill would recast and revise existing state law to, among other things, delete the Organ and Tissue Donor Registry Fund and the above provisions relating to contingent implementation, and to authorize the California OPOs to establish a not-for-profit organization to be designated the California Organ and Tissue Donation Registrar, which would establish and maintain the California Organ and Tissue Donor Registry. The bill would require the registrar to submit an annual written report to the Director of Health Services and the Legislature that contains specified information. The bill would transfer certain related duties of the California Health and Human Services Agency to the registrar and would make various conforming changes.

The bill would make legislative findings and declarations concerning the occurrence of certain conditions that repealed specified related Vehicle Code provisions on July 1, 1999.



The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Organ and Tissue Donor Registry Act of 2003.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) More than 15,000 Californians are now waiting for a lifesaving organ transplant. Based on the current trend in organ donations, one in three of those waiting will die. In 2000, 5,794 Americans died while waiting for a transplant.

(2) On a national level the number of organ donors has increased by 10 percent from the years 2000 to 2001, and the number of organ donors in California also increased by 9 percent during this same time period.

(3) Despite this percentage increase, in all of 2000, there were still only 634 cadaveric donors in California.

(4) A decrease in organ donors results in longer stays on the national organ transplant waiting list and, consequently, more deaths among those patients who are waiting.

(5) The national organ transplant waiting list, which is maintained by the United Network for Organ Sharing, is growing at the rate of 3,450 persons per month. A name is added to this national database every 13 minutes.

(6) However, no operational registry exists in California for those persons who have expressed a wish to be an organ donor.

(b) The use of anatomical gifts, including the donation of organs and tissues for the purpose of transplantation, is of great value to the citizens of this state and may save or prolong the life or improve the health of extremely ill and dying persons.

(c) It is the intent of the Legislature to increase the number of persons who identify themselves as potential organ donors. It is the further intent of the Legislature to establish a statewide organ and tissue donor registry to expedite the match between organ donors and recipients and to encourage charitable contributions to support the registry.

SEC. 3. The Legislature finds and declares the following:

(a) (1) The condition specified in subdivision (e) of Section 12811 of the Vehicle Code, as amended by Section 6 of Chapter 887 of the Statutes of 1998, that would repeal that section, occurred on July 1, 1999.



(2) Therefore, Section 12811 of the Vehicle Code, as amended by Section 6 of Chapter 887 of the Statutes of 1998, was repealed on July 1, 1999.

(b) (1) The condition specified in subdivision (d) of Section 13005 of the Vehicle Code, as amended by Section 8 of Chapter 887 of the Statutes of 1998, that would repeal that section, occurred on July 1, 1999.

(2) Therefore, Section 13005 of the Vehicle Code, as amended by Section 8 of Chapter 887 of the Statutes of 1998, was repealed on July 1, 1999.

SEC. 4. Section 7152.7 of the Health and Safety Code is amended to read:

7152.7. (a) The California organ procurement organizations designated pursuant to Section 273 and following, of Title 42 of the United States Code, are hereby authorized to establish a not-for-profit entity that shall be designated the California Organ and Tissue Donor Registrar, which shall establish and maintain the California Organ and Tissue Donor Registry. The registry shall contain information regarding persons who have identified themselves as organ and tissue donors upon their death. The registrar shall be responsible for developing methods to increase the number of donors who enroll in the registry.

(b) The registrar shall make available to the federally designated organ procurement organizations (OPOs) in California and the state licensed tissue and eye banks information contained in the registry regarding potential donors on a 24-hour-a-day, seven-days-a-week basis. This information shall be used to expedite a match between identified organ and tissue donors and potential recipients.

(c) The registrar may receive voluntary contributions to support the registry and its activities.

(d) The registrar shall submit an annual written report to the Director of Health Services and the Legislature that includes all of the following:

(1) The number of donors on the registry.

(2) The changes in the number of donors on the registry.

(3) The general characteristics of donors as may be determined by information provided on the donor registry forms pursuant to Sections 12811 and 13005 of the Vehicle Code.

SEC. 5. Section 1672 of the Vehicle Code is amended to read:



1672. (a) The department shall make available, in the public area of each office of the department where applications for driver's licenses or identification cards are received, space for a sign or notice briefly describing the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and information about the California Organ and Tissue Donor Registry and about how private donations may be made.

(b) The department shall make available to the public in its offices a pamphlet or brochure providing more detailed information on the California Organ and Tissue Donor Registry and information about how private donations may be made.

(c) The signs, notices, pamphlets, and brochures specified in subdivisions (a) and (b) shall be provided without cost to the department by responsible private parties associated with the anatomical gift program.

SEC. 6. Section 12811 of the Vehicle Code, as amended by Section 5.5 of Chapter 740 of the Statutes of 2001, is amended to read:

12811. (a) (1) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

Each license shall also contain a space for the endorsement of a record of each suspension or revocation thereof.

The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) (1) Upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, the



department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code, including a donor dot that may be affixed to the new driver's license or identification card.

(2) The enrollment form shall be simple in design and shall be produced by the department in cooperation with the California Organ and Tissue Donor Registrar and shall require all of the following information to be supplied by an enrollee:

(A) Date of birth, sex, full name, and other information deemed necessary to provide a positive identification of an individual.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs or tissues.

(3) The form shall also include both of the following:

(A) A description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.

(B) A statement that the name of any person who enrolls in the registry pursuant to this section shall be made available to federally recognized donor organizations.

(4) The registry enrollment form shall be posted on the Web sites for the department and the California Health and Human Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation.

(6) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by the registrar.

(c) A public entity or employee shall not be liable for any loss, detriment, or injury resulting directly or indirectly from false or



inaccurate information contained in the form provided pursuant to subdivision (b).

(d) No contract may be let to any nongovernmental entity for the processing of driver's licenses, unless the department receives two or more qualified bids from independent, responsible bidders.

SEC. 7. Section 12811 of the Vehicle Code, as amended by Section 218 of Chapter 664 of the Statutes of 2002, is repealed.

SEC. 8. Section 13005 of the Vehicle Code, as amended by Section 6.5 of Chapter 740 of the Statutes of 2001, is amended to read:

13005. (a) The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear his or her picture, and be produced in color or engraved by a process or processes that prohibit, as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a picture or photograph on the identification card without ready detection.

(b) (1) Upon issuance of a new identification card, or renewal of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code.

(2) The enrollment form shall be simple in design and shall be produced by the department, in cooperation with the California Organ and Tissue Donor Registrar, and shall require all of the following information to be supplied by the enrollee:

(A) Date of birth, sex, full name, address, and home telephone number.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs or tissues.

(3) The form shall also include a description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.



(4) The registry enrollment form shall be posted on the Web sites for the department and the California Health and Human Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(6) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not further be disseminated by the registrar.

(c) No contract may be let to any nongovernmental entity for the processing of identification cards unless the department receives two or more qualified bids from independent, responsible bidders.

SEC. 9. Section 13005 of the Vehicle Code, as amended by Section 6 of Chapter 740 of the Statutes of 2001, is repealed.



Approved _____, 2003

Governor

